IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

MALISSA L. BROWN,	*	
	*	
Plaintiff,	*	
	*	
-VS-	*	
	*	
CAMDEN COUNTY, GEORGIA; BILL SMITH, Individually and in his Official Capacity as Sheriff for Camden County, Georgia; CHARLES BYERLY, Individually and in his Official Capacity as Deputy Sheriff for Camden County, Georgia; and KEITH PURCELL, d/b/a Kingsland Meats;	*	**CIVIL ACTION NO.: CV207 - 69**
	*	
	*	
Defendants.	*	

COMPLAINT FOR DAMAGES

MALISSA L. BROWN, Plaintiff in the above-styled action, files this her Complaint for Damages and for compensatory and punitive damages against the Defendants, **CAMDEN COUNTY, GEORGIA; BILL SMITH, Individually and in his Official Capacity as Sheriff for Camden County, Georgia; CHARLES BYERLY, Individually and in his Official Capacity as Deputy Sheriff for Camden County, Georgia;** and **KEITH PURCELL, d/b/a Kingsland Meats.**

I. INTRODUCTION

-1-

Plaintiff **MALISSA L. BROWN,** brings this action against Defendants, **CAMDEN COUNTY, GEORGIA; BILL SMITH, Individually and in his Official Capacity as Sheriff for Camden County, Georgia; CHARLES BYERLY, Individually and in his Official Capacity as**

Deputy Sheriff for Camden County, Georgia; and **KEITH PURCELL, d/b/a Kingsland Meats** to compensate her for damages and injuries suffered from violation of her constitutional and civil rights under color of state law and violations of state law by Defendants and to punish the appropriate Defendants, for this wrong against **MALISSA L. BROWN** such that it will deter the appropriate Defendants from subjecting others to such wrongful and egregious conduct.

-2-

Mrs. Brown brings this action under the Fourth, Eighth, and Fourteenth Amendments to the United States Constitution, 42 U.S.C. §§ 1983, 1985, 1986 and 1988, and false arrest, malicious arrest, false imprisonment, malicious prosecution, intentional infliction of mental distress, and negligent hiring and retention under Georgia law.

-3-

Mrs. Brown seeks damages for violation of her rights protected by Fourth, Eighth, and Fourteenth Amendments to the United States Constitution, 42 U.S.C. §§ 1983, 1985, 1986 and 1988, and false arrest, malicious arrest, false imprisonment, malicious prosecution, intentional infliction of mental distress, and negligent hiring and retention under Georgia law.

-4-

Mrs. Brown demands a trial by jury.

II. JURISDICTION

-5-

Mrs. Brown incorporates by reference and realleges Paragraphs One (1) through Four (4) herein through this specific reference

-6-

This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343 because this is a case brought pursuant to the Constitution, laws or treaties of the United States; and pursuant to 28 U.S.C. § 1343 (a) (1) and (3) because this is an action brought to redress injuries to Mrs. Brown's person and property and the deprivation, under color of Georgia law, statutes ordinances, regulations, customs or usages of rights, privileges or immunities secured by the Constitution of the United States, or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States.

III. VENUE

-7-

Mrs. Brown incorporates by reference and realleges Paragraphs One (1) through Six (6) herein through this specific reference.

-8-

Venue is proper in this Court pursuant to 28 U.S.C. §§ 1331 and 1391.

-9-

Defendants County, Smith, Byerly, and Purcell resided in this judicial district at all times relevant to this Complaint.

-10-

The incidents and injuries caused by the actions of Defendants and suffered by Mrs. Brown originated in this judicial district.

-11-

At all times relevant to this Complaint, Mrs. Brown resided in Florida, although the actions of Defendants all occurred in Camden County, Georgia in the Brunswick Division of the United States District Court for the Southern District o Georgia. 28 U.S.C. § 90(c)(5).

-12-

Defendant County is a county government located in the Brunswick Division of the United States District Court for the Southern District of Georgia.

-13-

Defendant Smith served as the sheriff for Defendant County at all relevant times to this Complaint.

-14-

Defendant Byerly worked for Defendants County and Smith at all relevant times to this Complaint.

-15-

Defendant Purcell owned and operated Kingsland Meats, a business in Camden County, Georgia at all relevant times to this Complaint.

IV. PARTIES

-16-

Mrs. Brown incorporates by reference and realleges Paragraphs One (1) through Fifteen (15) herein through this specific reference.

-17-

At all times relevant to this Complaint, Mrs. Brown resided in Florida, although the actions of Defendants all occurred in Camden County, Georgia in the Brunswick Division of the United States District Court for the Southern District o Georgia. 28 U.S.C. § 90(c)(5).

-18-

Defendant County is a county government located in the Brunswick Division of the United States District Court for the Southern District of Georgia and is subject to the jurisdiction of this Court.

-19-

Defendant County was at all times relevant to this Complaint the policy maker for the criminal justice system of Defendant County.

-20-

Defendant Smith was at all times relevant to this Complaint responsible for the enforcement of the criminal laws in Camden County, Georgia.

-21-

Defendant Byerly at all times relevant to this Complaint worked for Defendants County and Smith.

-22-

Defendant Purcell at all times relevant to this Complaint owned and operated Kingsland Meats, a business in Camden County, Georgia.

-23-

Defendants acted in conspiracy with each other.

-24-

At all times relevant to this Complaint Defendants acted under color of Georgia law, statutes, ordinances, regulations, customs or usages to deprive Mrs. Brown of rights, privileges or immunities secured to her by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States.

-25-

The acts and omissions of the Defendants hereinafter described violated Mrs. Brown's rights to due process.

V. STATEMENT OF THE FACTS

-26-

Mrs. Brown incorporates by reference and realleges Paragraphs One (1) through Twenty-five (25) herein through this specific reference.

-27-

On June 30, 2005, the Seminole County, Florida Sheriffs Department arrested and incarcerated Mrs. Brown in the Seminole County Jail.

-28-

The Seminole County Sheriff's Department arrested Mrs. Brown on the charges of fugitive from justice and other warrants charging deposit account fraud, obtained by Defendant Byerly from Defendant County as a deputy for Defendant Smith to collect money for Defendant Purcell.

-29-

On or about June 29, 2005 Defendant Byerly obtained warrants in Camden County, Georgia alleging deposit fraud on three (3) post dated checks signed by Mrs. Brown as president of Food

Source of Florida, Inc., a corporation organized in the State of Florida, to Kingsland Meats, owned and operated by Defendant Purcell Kingsland Meats, a business in Camden County, Georgia.

-30-

Mrs. Brown, as president of Food Source of Florida, Inc., had satisfied two (2) of the alleged dishonored checks prior to Defendant Byerly obtaining arrest warrants for the two (2) satisfied checks, a third alleged dishonored check, and Food Source of Florida, Inc. invoices which payment had not come due.

-31-

Prior to obtaining the warrants, a lawyer licensed in the State of Georgia had informed Defendant Byerly that the postdated checks did not constitute the crime of deposit account fraud for which he could obtain a warrant.

-32-

Defendant Byerly ignored the warning and obtained the warrants.

-33-

Mrs. Brown issued the checks as the president of Food Source of Florida, Inc., a Florida corporation, and did not have personal liability for the checks.

-34-

Defendants conspired to have Mrs. Brown illegally arrested for alleged deposit account fraud which had not occurred and to collect payment for invoices not yet due for payment to Defendant Purcell.

-35-

Once the Seminole County Sheriff's Department arrested Mrs. Brown, Defendants' intentional false statements regarding Mrs. Brown caused the Seminole County Sheriff's Department to continue to hold Mrs. Brown until she not only paid one remaining alleged dishonored check of Food Source of Florida, Inc. but she paid Food Source of Florida, Inc. invoices which were not otherwise due at the time of her arrest.

-36-

Defendants used Mrs. Brown's incarceration by Seminole County Sheriff's Department on the Camden County warrants to collect money that was not even due.

-37-

These acts of Defendants caused Mrs. Brown to remain in the maximum security section of the Seminole County Jail for at least six (6) days while Defendants used her incarceration to collect money from Mrs. Brown.

-38-

Defendants used the incarceration of Mrs. Brown as a means to act as debt collectors for Defendant Purcell whether or not Mrs. Brown owed Defendant Purcell any money.

-39-

Defendants County and Smith negligently hired and retained Defendant Byerly.

-40-

Defendants County and Smith knew or should have known of Defendant Byerly's propensity to violate citizen's rights.

-41-

Defendants County and Smith knew or should have known of well publicized incidents in Glynn County, Georgia in which Defendant Byerly abused his authority as a police officer in violating the civil and constitutional rights of citizens in Glynn County, Georgia.

-42-

The arrest of Mrs. Brown occurred for no reason and without any probable cause or legal justification.

-43-

These acts by Defendants, caused Mrs. Brown to suffer grievous harm from her illegal and unconstitutional arrest, seizure, and incarceration.

-44-

At all times relevant to this Complaint of this action, Defendants acted under color of state law.

-45-

Defendants acted in conspiracy with each other.

V. CLAIMS FOR RELIEF

-46-

Mrs. Brown incorporates by reference and realleges Paragraphs One (1) through Forty-five (45) herein through this specific reference

-47-

Mrs. Brown is a person protected under the Fourth, Eighth, and Fourteenth Amendments to the United States Constitution and 42 U.S.C. §§ 1983, 1985, and 1986 and a person protected from false arrest, malicious arrest, false imprisonment, malicious prosecution, intentional infliction of mental distress, slander, and negligent hiring and retention under Georgia law.

-48-

All Defendants acted under color of state law at all times relevant to the incidents of this Complaint.

COUNT I

VIOLATION OF FOURTH AND FOURTEENTH AMENDMENTS

-49-

Mrs. Brown incorporates by reference and realleges Paragraphs One (1) through forty-eight (48) herein through this specific reference.

-50-

Mrs. Brown incorporates by reference and realleges the allegations contained in Paragraphs Twenty-six (26) through Forty-eight (48) herein as the basis for her claims for relief under the Fourth, Eighth, and Fourteenth Amendments to the United States Constitution and 42 U.S.C. §§ 1983, 1985, and 1986 and false arrest, malicious arrest, false imprisonment, malicious prosecution, and intentional infliction of mental distress, slander, and negligent hiring and retention under Georgia law.

-51-

Defendants acted without probable cause in seizing and incarcerating Mrs. Brown for the alleged violations of law which were not violations of the law and the collection of debts not yet due, in violation of the Fourth and Fourteenth Amendments to the United States Constitution.

-52-

As a direct and proximate result of Defendants' deprivation of Mrs. Brown's constitutional and civil rights under the color of state law, Mrs. Brown has suffered and continues to suffer substantial damages for mental anguish, loss of enjoyment of life, loss of freedom, pain and suffering, and other nonpecuniary losses in an amount not less than **ONE MILLION DOLLARS ($1,000,000.00)**.

-53-

Defendants' conduct was undertaken in utter disregard of Mrs. Brown's rights and constituted an entire want of care which raises the presumption of the conscious indifference to the consequences so as to entitle Mrs. Brown to recover punitive damages from the appropriate Defendants in an amount to be decided by a jury to deter Defendants from future wrongdoing.

COUNT II

VIOLATION OF EIGHTH AND FOURTEENTH AMENDMENTS

-54-

Mrs. Brown incorporates by reference and realleges Paragraphs One (1) through Fifty-three (53) herein through this specific reference.

-55-

Mrs. Brown incorporates by reference and realleges the allegations contained in Paragraphs Twenty-six (26) through Forty-eight (48) herein as the basis for her claims for relief under the Fourth, Eighth, and Fourteenth Amendments to the United States Constitution and 42 U.S.C. §§ 1983, 1985, and 1986 and false arrest, malicious arrest, false imprisonment, malicious prosecution, and intentional infliction of mental distress, and negligent hiring and retention under Georgia law.

-56-

Defendants subjected Mrs. Brown to cruel and unusual punishment by seizing and incarcerating Mrs. Brown for the for the alleged violations of law which were not violations of the law and the collection of debts not yet due, in violation of the Eighth and Fourteenth Amendments to the United States Constitution.

-57-

As a direct and proximate result of Defendants' deprivation of Mrs. Brown's constitutional and civil rights under the color of state law, Mrs. Brown has suffered and continues to suffer substantial damages for mental anguish, loss of enjoyment of life, loss of freedom, pain and suffering, and other nonpecuniary losses in an amount not less than **ONE MILLION DOLLARS ($1,000,000.00)**.

-58-

Defendants' conduct was undertaken in utter disregard of Mrs. Brown's rights and constituted an entire want of care which raises the presumption of the conscious indifference to the consequences so as to entitle Mrs. Brown to recover punitive damages from the appropriate Defendants in an amount to be decided by a jury to deter Defendant from future wrongdoing.

COUNT III

VIOLATION OF FOURTEENTH AMENDMENT

-59-

Mrs. Brown incorporates by reference and realleges Paragraphs One (1) through Fifty-eight (58) herein through this specific reference.

-60-

Mrs. Brown incorporates by reference and realleges the allegations contained in Paragraphs Twenty-six (26) through Forty-eight (48) herein as the basis for her claims for relief under the Fourth, Eighth, and Fourteenth Amendments to the United States Constitution and 42 U.S.C. §§ 1983, 1985, and 1986 and false arrest, malicious arrest, false imprisonment, malicious prosecution, and intentional infliction of mental distress, slander, and negligent hiring and retention under Georgia law.

-61-

Defendants conduct violated Mrs. Brown's right to due process by seizing and incarcerating Mrs. Brown for the alleged violations of law which were not violations of the law and the collection of debts not yet due, in violation of the Fourteenth Amendments to the United States Constitution.

-62-

As a direct and proximate result of Defendants' deprivation of Mrs. Brown's constitutional and civil rights under the color of state law, Mrs. Brown has suffered and continues to suffer substantial damages for mental anguish, loss of enjoyment of life, loss of freedom, pain and suffering, and other nonpecuniary losses in an amount not less than **ONE MILLION DOLLARS ($1,000,000.00)**.

-63-

Defendants' conduct was undertaken in utter disregard of Mrs. Brown's rights and constituted an entire want of care which raises the presumption of the conscious indifference to the consequences so as to entitle Mrs. Brown to recover punitive damages from the appropriate Defendants in an amount to be decided by a jury to deter Defendant from future wrongdoing.

COUNT IV

VIOLATION OF42 U.S.C. § 1983

-64-

Mrs. Brown incorporates by reference and realleges Paragraphs One (1) through Sixty-three (63) herein through this specific reference.

-65-

Mrs. Brown incorporates by reference and realleges the allegations contained in Paragraphs Twenty-six (26) through Forty-eight (48) herein as the basis for her claims for relief under the Fourth, Eighth, and Fourteenth Amendments to the United States Constitution and 42 U.S.C. §§ 1983, 1985, and 1986 and false arrest, malicious arrest, false imprisonment, malicious prosecution, and intentional infliction of mental distress, slander, and negligent hiring and retention under Georgia law.

-66-

Defendants conduct violated Mrs. Brown's constitutional and civil rights under the color of state law by seizing and incarcerating Mrs. Brown for the alleged violations of law which were not violations of the law and the collection of debts not yet due, without probable cause in violation of 42 U.S.C. § 1983.

-67-

As a direct and proximate result of Defendants' deprivation of Mrs. Brown's constitutional and civil rights under the color of state law, Mrs. Brown has suffered and continues to suffer substantial damages for mental anguish, loss of enjoyment of life, loss of freedom, pain and suffering, and other nonpecuniary losses in an amount not less than **ONE MILLION DOLLARS ($1,000,000.00)**.

-68-

Defendants' conduct was undertaken in utter disregard of Mrs. Brown's rights and constituted an entire want of care which raises the presumption of the conscious indifference to the consequences so as to entitle Mrs. Brown to recover punitive damages from the appropriate Defendants in an amount to be decided by a jury to deter Defendant from future wrongdoing.

COUNT V

VIOLATION OF 42 U.S.C. § 1985

-69-

Mrs. Brown incorporates by reference and realleges Paragraphs One (1) through Sixty-eight (68) herein through this specific reference.

-70-

Mrs. Brown incorporates by reference and realleges the allegations contained in Paragraphs Twenty-six (26) through Forty-eight (48) herein as the basis for her claims for relief under the Fourth, Eighth, and Fourteenth Amendments to the United States Constitution and 42 U.S.C. §§ 1983, 1985, and 1986 and false arrest, malicious arrest, false imprisonment, malicious prosecution, and intentional infliction of mental distress, slander, and negligent hiring and retention under Georgia law.

-71-

Defendants conduct violated Mrs. Brown's constitutional and civil rights under the color of state law by the Defendants conspiring to seize and incarcerate Mrs. Brown for the alleged violations of law which were not violations of the law and the collection of debts not yet due, in violation of 42 U.S.C. § 1985.

-72-

As a direct and proximate result of Defendants' deprivation of Mrs. Brown's constitutional and civil rights under the color of state law, Mrs. Brown has suffered and continues to suffer substantial damages for mental anguish, loss of enjoyment of life, loss of freedom, pain and suffering, and other nonpecuniary losses in an amount not less than **ONE MILLION DOLLARS ($1,000,000.00)**.

-73-

Defendants' conduct was undertaken in utter disregard of Mrs. Brown's rights and constituted an entire want of care which raises the presumption of the conscious indifference to the consequences so as to entitle Mrs. Brown to recover punitive damages from the appropriate Defendants in an amount to be decided by a jury to deter Defendant from future wrongdoing.

COUNT VI

VIOLATION OF 42 U.S.C. § 1986

-74-

Mrs. Brown incorporates by reference and realleges Paragraphs One (1) through Seventy-three (73) herein through this specific reference.

-75-

Mrs. Brown incorporates by reference and realleges the allegations contained in Paragraphs Twenty-six (26) through Forty-eight (48) herein as the basis for her claims for relief under the Fourth, Eighth, and Fourteenth Amendments to the United States Constitution and 42 U.S.C. §§

1983, 1985, and 1986 and false arrest, malicious arrest, false imprisonment, malicious prosecution, and intentional infliction of mental distress, slander, and negligent hiring and retention under Georgia law.

-76-

Defendants conduct violated Mrs. Brown's constitutional and civil rights under the color of state law by the Defendants conspiring to seize and incarcerate Mrs. Brown for the for the alleged violations of law which were not violations of the law and the collection of debts not yet due, in violation of 42 U.S.C. § 1985.

-77-

As a direct and proximate result of Defendants' deprivation of Mrs. Brown's constitutional and civil rights under the color of state law, Mrs. Brown has suffered and continues to suffer substantial damages for mental anguish, loss of enjoyment of life, loss of freedom, pain and suffering, and other nonpecuniary losses in an amount not less than **ONE MILLION DOLLARS ($1,000,000.00)**.

-78-

Defendants' conduct was undertaken in utter disregard of Mrs. Brown's rights and constituted an entire want of care which raises the presumption of the conscious indifference to the consequences so as to entitle Mrs. Brown to recover punitive damages from the appropriate Defendants in an amount to be decided by a jury to deter Defendant from future wrongdoing.

COUNT VII

FALSE ARREST

-79-

Mrs. Brown incorporates by reference and realleges Paragraphs One (1) through Seventy-eight (78) herein through this specific reference.

-80-

Mrs. Brown incorporates by reference and realleges the allegations contained in Paragraphs Twenty-six (26) through Forty-eight (48) herein as the basis for her claims for relief under the Fourth, Eighth, and Fourteenth Amendments to the United States Constitution and 42 U.S.C. §§ 1983, 1985, and 1986 and false arrest, malicious arrest, false imprisonment, malicious prosecution, and intentional infliction of mental distress, slander, and negligent hiring and retention under Georgia law.

-81-

Seminole County, Florida law enforcement authorities, based on a warrant secured taken in whole or part and directly or indirectly by Defendants, took Mrs. Brown to the Seminole County, Florida Detention Center where she was confined and later released.

-82-

The affidavit for the warrant made by Defendant Byerly in his behalf and on behalf of the other Defendants was made without probable cause and with malice, personal spite, and ill will on the part of Defendants.

-83-

Further, Defendants all exhibited a general and total disregard of any and all of Mrs. Brown's rights without regard to the extent of any injury that Mrs. Brown might suffer by their wrongful acts.

-84-

As a result of this affidavit, Defendant County issued several arrest warrants for Mrs. Brown for actions that did not constitute a violation of the law and for the purpose of collecting debts not yet due.

-85-

Defendants continued their prosecution of Mrs. Brown by keeping her in the Seminole County Jail until she paid money for actions that did not constitute a violation of the law and to collect debts whether or not owed to Defendant Purcell.

-86-

The arrest warrants against Mrs. Brown were finally disposed of and successfully terminated in favor of Mrs. Brown.

-87-

As a direct and proximate result of Defendants' deprivation of Mrs. Brown's constitutional and civil rights under the color of state law and deprivation of rights protected by state law, Mrs. Brown has suffered and continues to suffer substantial damages for mental anguish, loss of enjoyment of life, loss of freedom, pain and suffering, and other nonpecuniary losses in an amount not less than **ONE MILLION DOLLARS ($1,000,000.00)**.

-88-

Defendants' conduct was undertaken in utter disregard of Mrs. Brown's rights and constituted an entire want of care which raises the presumption of the conscious indifference to the consequences so as to entitle Mrs. Brown to recover punitive damages against the appropriate Defendants in an amount to be decided by a jury to deter Defendant from future wrongdoing.

COUNT VIII

MALICIOUS ARREST

-89-

Mrs. Brown incorporates by reference and realleges Paragraphs One (1) through eighty-nine herein through this specific reference.

-90-

Mrs. Brown incorporates by reference and realleges the allegations contained in Paragraphs Twenty-six (26) through Forty-eight (48) herein as the basis for her claims for relief under the Fourth, Eighth, and Fourteenth Amendments to the United States Constitution and 42 U.S.C. §§ 1983, 1985, and 1986 and false arrest, malicious arrest, false imprisonment, malicious prosecution, and intentional infliction of mental distress, slander, and negligent hiring and retention under Georgia law.

-91-

Seminole County, Florida law enforcement authorities, based on a warrant secured directly and indirectly by Defendants, took Mrs. Brown to the Seminole County, Florida Detention Center where she was confined and later released.

-92-

The affidavit for the warrant made by Defendant Byerly in his behalf and on behalf of the other Defendants was made without probable cause and with malice, personal spite, and ill will on the part of Defendants.

-93-

Further, Defendants all exhibited a general and total disregard of any and all of Mrs. Brown's rights without regard to the extent of any injury that Mrs. Brown might suffer by their wrongful acts.

-94-

As a result of this affidavit, Defendant County issued several arrest warrants for Mrs. Brown.

-95-

Defendants continued their prosecution of Mrs. Brown by keeping her in the Seminole County Jail until she paid money whether owed or not to Defendant Purcell.

-96-

The arrest warrants against Mrs. Brown were finally disposed of and successfully terminated in favor of Mrs. Brown.

-97-

As a direct and proximate result of Defendants' deprivation of Mrs. Brown's constitutional and civil rights under the color of state law and deprivation of rights protected by state law, Mrs. Brown has suffered and continues to suffer substantial damages for mental anguish, loss of enjoyment of life, loss of freedom, pain and suffering, and other nonpecuniary losses in an amount not less than **ONE MILLION DOLLARS ($1,000,000.00)**.

-98-

Defendants' conduct was undertaken in utter disregard of Mrs. Brown's rights and constituted an entire want of care which raises the presumption of the conscious indifference to the consequences so as to entitle Mrs. Brown to recover punitive damages against the appropriate Defendants in an amount to be decided by a jury to deter Defendant from future wrongdoing.

COUNT IX

MALICIOUS PROSECUTION

-99-

Mrs. Brown incorporates by reference and realleges Paragraphs One (1) through Ninety-eight (98) herein through this specific reference.

-100-

Mrs. Brown incorporates by reference and realleges the allegations contained in Paragraphs Twenty-six (26) through Forty-eight (48) herein as the basis for her claims for relief under the Fourth, Eighth, and Fourteenth Amendments to the United States Constitution and 42 U.S.C. §§ 1983, 1985, and 1986 and false arrest, malicious arrest, false imprisonment, malicious prosecution, and intentional infliction of mental distress, slander, and negligent hiring and retention under Georgia law.

-101-

Seminole County, Florida law enforcement authorities, based on a warrant secured taken directly and indirectly by Defendants, took Mrs. Brown to the Seminole County, Florida Detention Center where she was confined and later released.

-102-

The affidavit for the warrant made by Defendant Byerly in his behalf and on behalf of the other Defendants was made without probable cause and with malice, personal spite, and ill will on the part of Defendants.

-103-

Further, Defendants all exhibited a general and total disregard of any and all of Mrs. Brown's rights without regard to the extent of any injury that Mrs. Brown might suffer by their wrongful acts.

-104-

As a result of this affidavit, Defendant County issued several arrest warrants for Mrs. Brown.

-105-

Defendants continued their prosecution of Mrs. Brown by keeping her in the Seminole County Jail until she paid money whether owed or not to Defendant Purcell.

-106-

The arrest warrants against Mrs. Brown were finally disposed of and successfully terminated in favor of Mrs. Brown.

-107-

As a direct and proximate result of Defendants' deprivation of Mrs. Brown's constitutional and civil rights under the color of state law and deprivation of rights protected by state law, Mrs. Brown has suffered and continues to suffer substantial damages for mental anguish, loss of enjoyment of life, loss of freedom, pain and suffering, and other nonpecuniary losses in an amount not less than **ONE MILLION DOLLARS ($1,000,000.00)**.

-108-

Defendants' conduct was undertaken in utter disregard of Mrs. Brown's rights and constituted an entire want of care which raises the presumption of the conscious indifference to the consequences so as to entitle Mrs. Brown to recover punitive damages against the appropriate Defendants in an amount to be decided by a jury to deter Defendant from future wrongdoing.

COUNT TEN

THE INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

-109-

Mrs. Brown incorporates by reference and realleges Paragraphs One (1) through One hundred eight (108) herein through this specific reference.

-110-

Mrs. Brown incorporates by reference and realleges the allegations contained in Paragraphs Twenty-six (26) through Forty-eight (48) herein as the basis for her claims for relief under the Fourth, Eighth, and Fourteenth Amendments to the United States Constitution and 42 U.S.C. §§ 1983, 1985, and 1986 and false arrest, malicious arrest, false imprisonment, malicious prosecution, and intentional infliction of mental distress, slander, and negligent hiring and retention under Georgia law.

-111-

Seminole County, Florida law enforcement authorities, based on a warrant secured taken directly and indirectly by Defendants, took Mrs. Brown to the Seminole County, Florida Detention Center where she was confined and later released.

-112-

The affidavit for the warrant made by Defendant Byerly in his behalf and on behalf of the other Defendants was made without probable cause and with malice, personal spite, and ill will on the part of Defendants.

-113-

Further, Defendants all exhibited a general and total disregard of any and all of Mrs. Brown's rights without regard to the extent of any injury that Mrs. Brown might suffer by their wrongful acts.

-114-

As a result of this affidavit, Defendant County issued several arrest warrants for Mrs. Brown.

-115-

Defendants continued their prosecution of Mrs. Brown by keeping her in the Seminole County Jail until she paid money whether owed or not to Defendant Purcell.

-116-

The arrest warrants against Mrs. Brown were finally disposed of and successfully terminated in favor of Mrs. Brown.

-117-

As a direct and proximate result of Defendants' deprivation of Mrs. Brown's constitutional and civil rights under the color of state law and deprivation of rights protected by state law, Mrs. Brown has suffered and continues to suffer substantial damages for mental anguish, loss of enjoyment of life, loss of freedom, pain and suffering, and other nonpecuniary losses in an amount not less than **ONE MILLION DOLLARS ($1,000,000.00)**.

-118-

Defendants' conduct was undertaken in utter disregard of Mrs. Brown's rights and constituted an entire want of care which raises the presumption of the conscious indifference to the consequences so as to entitle Mrs. Brown to recover punitive damages against the appropriate Defendants in an amount to be decided by a jury to deter Defendant from future wrongdoing.

-119-

Defendants acted recklessly and intentionally having Mrs. Brown arrested when they knew that they had no evidence of a violation of the law and had no authority to have her arrested to collect debts not yet due.

-120-

This false allegation and collection of moneys not yet due was outrageous and extreme in that Defendants knew that they had no evidence of any violation of the law and yet persisted in pressing its accusations against Mrs. Brown.

-121-

Mrs. Brown suffered emotional distress from the actions of Defendants including their causing Mrs. Brown's arrest when she had done nothing wrong and Defendants had no evidence of her wrong doing, the transportation to jail, the subsequent incarceration, and the forced collection of sums not yet due.

-122-

Defendants' conduct was undertaken in utter disregard of Mrs. Brown's rights and constituted an entire want of care which raises the presumption of the conscious indifference to the consequences so as to entitle Mrs. Brown to recover punitive damages from the appropriate Defendants in an amount to be decided by a jury to deter Defendant from future wrongdoing.

-123-

The intentionally inflicted emotional distress to which Defendants subjected Mrs. Brown, caused her to suffer great physical pain, mental anguish, public scandal, infamy, disgrace, and great humiliation.

-124-

As a direct and proximate result of Defendants' deprivation of Mrs. Brown's constitutional and civil rights under the color of state law and deprivation of rights protected by state law, Mrs. Brown has suffered and continues to suffer substantial damages for mental anguish, loss of enjoyment of life, loss of freedom, pain and suffering, and other nonpecuniary losses in an amount not less than **ONE MILLION DOLLARS ($1,000,000.00)**.

COUNT ELEVEN

NEGLIGENT HIRING AND NEGLIGENT RETENTION

-125-

Mrs. Brown incorporates by reference and realleges Paragraphs One (1) through One hundred twenty-four (124) herein through this specific reference.

-126-

Mrs. Brown incorporates by reference and realleges the allegations contained in Paragraphs Twenty-six (26) through Forty-eight (48) herein as the basis for her claims for relief under the Fourth, Eighth, and Fourteenth Amendments to the United States Constitution and 42 U.S.C. §§ 1983, 1985, and 1986 and false arrest, malicious arrest, false imprisonment, malicious prosecution, intentional infliction of mental distress, slander, and negligent hiring and retention under Georgia law.

-127-

Defendants County and Smith negligently hired and retained Defendant Byerly.

-128-

Defendants County and Smith knew or should have known Defendant Byerly's propensity to violate citizen's rights.

-129-

Defendants County and Smith knew or should have known of well publicized incidents in Glynn County, Georgia in which Defendant Byerly abused his authority as a police officer in violating the civil and constitutional rights of citizens in Glynn County, Georgia.

-130-

Despite this knowledge of Defendant Byerly, Defendants County and Smith hired and retained Defendant Byerly as a deputy for Defendant County.

-131-

Further, Defendants all exhibited a general and total disregard of any and all of Mrs. Brown's rights without regard to the extent of any injury that Mrs. Brown or any other person might suffer by their wrongful hiring and continued retention of Defendant Byerly.

-132-

As a direct and proximate result of Defendants' County and Smith negligently hiring and retention of Defendant Byerly, Defendants County, Smith deprived Mrs. Brown of her constitutional and civil rights under the color of state law and deprivation of rights protected by state law, causing Mrs. Brown to suffer and continue to suffer substantial damages for mental anguish, loss of enjoyment of life, loss of freedom, pain and suffering, and other nonpecuniary losses in an amount not less than **ONE MILLION DOLLARS ($1,000,000.00)**.

-133-

Defendants' conduct was undertaken in utter disregard of Mrs. Brown's rights and constituted an entire want of care which raises the presumption of the conscious indifference to the consequences so as to entitle Mrs. Brown to recover punitive damages against the appropriate Defendants in an amount to be decided by a jury to deter Defendant from future wrongdoing.

COUNT XII

SLANDER

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Mrs. Brown incorporates by reference and realleges Paragraphs One (1) through One hundred thirty-three (133) herein through this specific reference.

-135-

Mrs. Brown incorporates by reference and realleges the allegations contained in Paragraphs Twenty-six (26) through Forty-eight (48) herein as the basis for her claims for relief under the Fourth, Eighth, and Fourteenth Amendments to the United States Constitution and 42 U.S.C. §§ 1983, 1985, and 1986 and false arrest, malicious arrest, false imprisonment, malicious prosecution, intentional infliction of mental distress, slander, and negligent hiring and retention under Georgia law.

-136-

In making the above defamatory statements against Mrs. Brown, Defendant made oral statements that imputed to Mrs. Brown serious crimes punishable by law.

-137-

These defamatory statements also accused Mrs. Brown a debasing act which may exclude him from society.

-138-

Further, Defendants made charges against Mrs. Brown in reference to her trade, office, or profession, calculated to injure her in her trade, office, or profession.

-139-

As a result of the aforementioned actions of Defendants, Mrs. Brown suffered pain and suffering, both mental and physical.

-140-

Further, Defendants all exhibited a general and total disregard of any and all of Mrs. Brown's rights without regard to the extent of any injury that Mrs. Brown or any other person might suffer by their wrongful hiring and continued retention of Defendant Byerly.

-141-

As a direct and proximate result of Defendants' slanderous remarks, Defendants deprived Mrs. Brown of her constitutional and civil rights under the color of state law and deprivation of rights protected by state law, causing Mrs. Brown to suffer and continue to suffer substantial damages for mental anguish, loss of enjoyment of life, loss of freedom, pain and suffering, and other nonpecuniary losses in an amount not less than **ONE MILLION DOLLARS ($1,000,000.00)**.

-142-

Defendants' conduct was undertaken in utter disregard of Mrs. Brown's rights and constituted an entire want of care which raises the presumption of the conscious indifference to the consequences so as to entitle Mrs. Brown to recover punitive damages against the appropriate Defendants in an amount to be decided by a jury to deter Defendant from future wrongdoing.

VI. RELIEF REQUESTED

MALISSA L. BROWN, Plaintiff in the above-styled action, requests the judgment of this Court against Defendants as follows:

1) Find and hold under Count I that Defendants have, deprived Mrs. Brown of her constitutional and civil rights by arresting her and incarcerating her for an alleged violation of the law for an act that did not violate the law and the forced collection of invoices not yet due in violation of the Fourth and Fourteenth Amendments to the United States;

2) Find and hold under Count II that Defendants have, deprived Mrs. Brown of her constitutional and civil rights by arresting her and incarcerating her for an alleged violation of the law for an act that did not violate the law and the forced collection of invoices not yet due in violation of the Eighth and Fourteenth Amendments to the United States Constitution.

3) Find and hold under Count III that Defendants have, deprived Mrs. Brown of her constitutional and civil rights by arresting her and incarcerating her for an alleged violation of the law for an act that did not violate the law and the forced collection of invoices not yet due in violation of the Fourteenth Amendment to the United States Constitution;

4) Find and hold under Count IV that Defendants have, deprived Mrs. Brown of her constitutional and civil rights by arresting her and incarcerating her for an alleged

violation of the law for an act that did not violate the law and the forced collection of invoices not yet due in violation of 42 U.S.C. § 1983;

5) Find and hold under Count V that Defendants have, deprived Mrs. Brown of her constitutional and civil rights by arresting her and incarcerating her for an alleged violation of the law for an act that did not violate the law and the forced collection of invoices not yet due in violation of 42 U.S.C. § 1985;

6) Find and hold under Count VI that Defendants have, deprived Mrs. Brown of her constitutional and civil rights by arresting her and incarcerating her for an alleged violation of the law for an act that did not violate the law and the forced collection of invoices not yet due in violation of 42 U.S.C. § 1986;

7) Find and hold under Count VII that Defendants have, deprived Mrs. Brown of her right to be free from false arrest by arresting her and incarcerating her for an alleged violation of the law for an act that did not violate the law and the forced collection of invoices not yet due;

8) Find and hold under Count VIII that Defendants have, deprived Mrs. Brown of her right to be free from malicious arrest rights by arresting her and incarcerating her for an alleged violation of the law for an act that did not violate the law and the forced collection of invoices not yet due;

9) Find and hold under Count IX that Defendants have, deprived Mrs. Brown of her right to be free from malicious prosecution by arresting her and incarcerating her for an alleged violation of the law for an act that did not violate the law and the forced collection of invoices not yet due;

10) Find and hold under Count X that Defendants have, deprived Mrs. Brown of her right to be free from the intentional infliction of emotional distress by arresting her and incarcerating her for an alleged violation of the law for an act that did not violate the law and the forced collection of invoices not yet due;

11) Find and hold under Count XI that Defendants County and Smith deprived Mrs. Brown of her right to be free from the damages, harm, and effects from the negligent hiring and retention of Defendant Byerly, which led to her arrest and incarceration for an alleged violation of the law for an act that did not violate the law and the forced collection of invoices not yet due;

12) Find and hold under Count XII that Defendants have, deprived Mrs. Brown of her right to be free from slander by arresting her and incarcerating her for an alleged violation of the law for an act that did not violate the law and the forced collection of invoices not yet due, being falsely communicated by Defendants to third parties;

13) Order that Mrs. Brown be awarded compensatory damages under Count I in the amount of One Million Dollars ($1,000,000.00);

14) Order that Mrs. Brown be awarded punitive damages from any appropriate Defendant under Count I in an amount to be determined by the jury;

15) Order that Mrs. Brown be awarded compensatory damages under Count II in the amount of One Million Dollars ($1,000,000.00);

16) Order that Mrs. Brown be awarded punitive damages from any appropriate party under Count II in an amount to be determined by the jury;

17) Order that Mrs. Brown be awarded compensatory damages under Count III in the amount of One Million Dollars ($1,000,000.00);

18) Order that Mrs. Brown be awarded punitive damages from any appropriate party under Count III in an amount to be determined by the jury;

19) Order that Mrs. Brown be awarded compensatory damages under Count IV in the amount of One Million Dollars ($1,000,000.00);

20) Order that Mrs. Brown be awarded punitive damages from any appropriate party under Count IV in an amount to be determined by the jury;

21) Order that Mrs. Brown be awarded compensatory damages under Count V in the amount of One Million Dollars ($1,000,000.00);

22) Order that Mrs. Brown be awarded punitive damages from any appropriate party under Count V in an amount to be determined by the jury;

23) Order that Mrs. Brown be awarded compensatory damages under Count VI in the amount of One Million Dollars ($1,000,000.00);

24) Order that Mrs. Brown be awarded punitive damages from any appropriate party under Count VI in an amount to be determined by the jury;

25) Order that Mrs. Brown be awarded compensatory damages under Count VII in the amount of One Million Dollars ($1,000,000.00);

26) Order that Mrs. Brown be awarded punitive damages from any appropriate party under Count VII in an amount to be determined by the jury;

27) Order that Mrs. Brown be awarded compensatory damages under Count VIII in the amount of One Million Dollars ($1,000,000.00);

28) Order that Mrs. Brown be awarded punitive damages from any appropriate party under Count VIII in an amount to be determined by the jury;

29) Order that Mrs. Brown be awarded compensatory damages under Count IX in the amount of One Million Dollars ($1,000,000.00);

30) Order that Mrs. Brown be awarded punitive damages from any appropriate party under Count IX in an amount to be determined by the jury;

31) Order that Mrs. Brown be awarded compensatory damages under Count X in the amount of One Million Dollars ($1,000,000.00);

32) Order that Mrs. Brown be awarded punitive damages from any appropriate party under Count X in an amount to be determined by the jury;

33) Order that Mrs. Brown be awarded compensatory damages under Count XI in the amount of One Million Dollars ($1,000,000.00);

34) Order that Mrs. Brown be awarded punitive damages from any appropriate party under Count XI in an amount to be determined by the jury;

35) Order that Mrs. Brown be awarded compensatory damages under Count XII in the amount of One Million Dollars ($1,000,000.00);

36) Order that Mrs. Brown be awarded punitive damages from any appropriate party under Count XII in an amount to be determined by the jury;

37) Order that Mrs. Brown be awarded attorney fees, including litigation expenses, and the costs of this action under federal law; and

38) Grant such other and further relief and is just and proper under the circumstances of this case.

MALISSA L. BROWN DEMANDS A TRIAL BY JURY

Respectfully submitted this 4th day of June, 2007.

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